IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION

KEITH PARKER,)	
Register No. 514395,)	
)	
Plaintiff,)	
) No 04 4125 CM C	NIZI
V.) No. 04-4135-CV-C	,-INKL
DANIEL POOL, Director of Nursing,)	
et al.,)	
D (1)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff, an inmate confined in a Missouri penal institution, commenced this action under the Civil Rights Act of 1871, 42 U.S.C. § 1983, and the jurisdictional statute, 28 U.S.C. § 1343. This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

A review of the record indicates defendant Angela Wright has not been served with process. Fed. R. Civ. P. 4(m) provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Plaintiff was granted leave to proceed in forma pauperis on October 19, 2004. Here, it has been more than 120 days since plaintiff's complaint was filed naming Angela Wright as a defendant. Service of process has been attempted upon defendant Wright by the U.S. Marshal at the last known address provided by defendants, as ordered, but was returned unexecuted.

On July 12, 2005, plaintiff was granted additional time in which to provide the court with a more current address for defendant Wright, but has failed to do so. Plaintiff is advised it is his responsibility to provide the court with sufficient information to effectuate

service of process and the court cannot conduct its own investigation to obtain service of process on behalf of plaintiff.

IT IS, THEREFORE, RECOMMENDED that plaintiff's claims against defendant Angela Wright be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m).

Under 28 U.S.C. § 636(b)(l), the parties may make specific written exceptions to this recommendation within twenty days. If additional time is needed, a motion for an extension of time must be filed within twenty days. The motion should state the reasons for the request. *See Nash v. Black*, 781 F.2d 665, 667 (8th Cir. 1986) (citing *Thomas v. Arn*, 474 U.S. 140 (1985)); *Messimer v. Lockhart*, 702 F.2d 729 (8th Cir. 1983). Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal.

Dated this 18th day of August, 2005, at Jefferson City, Missouri.

/s/

WILLIAM A. KNOX United States Magistrate Judge